

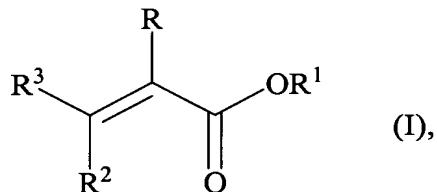
IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Previously Presented): A functional fluid comprising

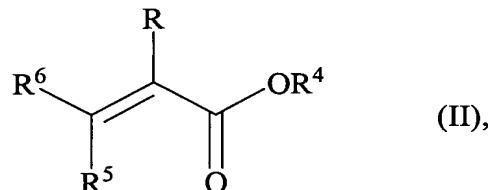
A) 1 to 45 % by weight based on the total weight of the functional fluid of one or more alkyl(meth)acrylate polymers obtainable by polymerizing a mixture of olefinically unsaturated monomers, which comprises

a) 1-100 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R<sup>1</sup> means a linear or branched alkyl residue with 1-6 carbon atoms, R<sup>2</sup> and R<sup>3</sup> independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms,

b) 0-99 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R<sup>4</sup> means a linear or branched alkyl residue with 7-40 carbon atoms, R<sup>5</sup> and R<sup>6</sup> independently are hydrogen or a group of

the formula -COOR”, where R” means hydrogen or an alkyl group with 7-40 carbon atoms, and

c) 0-50 wt% based on the total weight of the ethylenically unsaturated monomers of one or more comonomers,

and

B) 55 to 99 % by weight based on the total weight of the functional fluid of at least one oxygen containing compound selected from the group consisting of carboxylic acid esters, polyether polyols and organophosphorus compounds, wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 or Group 2 rating.

Claim 2 (Original): The functional fluid according to claim 1, wherein the oxygen containing compound has a fire point according to ASTM D 92 of at least 250 °C.

Claim 3 (Original): The functional fluid according to claim 1 or 2, wherein the oxygen containing compound has a kinematic viscosity at 40°C according to ASTM D 445 of 35 mm<sup>2</sup>/s or less.

Claim 4 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a carboxylic ester containing at least two ester groups.

Claim 5 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a diester of carboxylic acids containing 4 to 12 carbon atoms.

Claim 6 (Previously Presented): The functional fluid according to claim 5, wherein the diester is an ester of at least one selected from the group consisting of adipic, azelaic, sebacic, phthalate and dodecanoic acids.

Claim 7 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is an ester of a polyol.

Claim 8 (Original): The functional fluid according to claim 7, wherein the polyol comprises 4 to 22 carbon atoms.

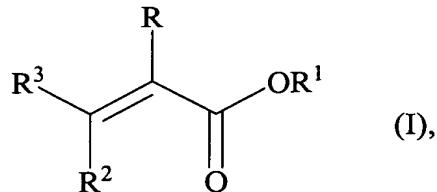
Claim 9 (Original): The functional fluid according to claim 8, wherein the ester is an ester of neopentyl glycol, diethylene glycol, dipropylene glycol, trimethanol propane, or pentaerythritol.

Claim 10 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a polyalkylene glycol.

Claim 11 (Original): The functional fluid according to claim 10, wherein the polyether polyol is based on butylene oxide.

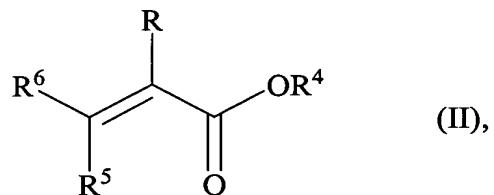
Claim 12 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers have a molecular weight in the range of 300 g/mol to 50 000 g/mol.

Claim 13 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising 15-70 wt% of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R<sup>1</sup> means a linear or branched alkyl residue with 1-6 carbon atoms, R<sup>2</sup> and R<sup>3</sup> independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms.

Claim 14 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising 30-85 wt% of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R<sup>4</sup> means a linear or branched alkyl residue with 7-40 carbon atoms, R<sup>5</sup> and R<sup>6</sup> independently are hydrogen or a group of the formula -COOR'', where R'' means hydrogen or an alkyl group with 7-40 carbon atoms.

Claim 15 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising dispersant monomers.

Claim 16 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising vinyl monomers containing aromatic groups.

Claim 17 (Previously Presented): The functional fluid according to claim 1, wherein the weight ratio of the alkyl(meth)acrylate polymers to the oxygen containing compound is in the range of 2:1 to 1:10.

Claim 18 (Previously Presented): A hydraulic oil comprising the functional fluid according to claim 1.

Claim 19 (Previously Presented): The hydraulic oil according to claim 18, wherein the hydraulic oil comprises at least 20% by weight of the functional fluid according to claim 1.

Claim 20 (Currently Amended): ~~The use of a functional fluid according to claim 1 to improve A method for improving~~ the fire resistance of hydraulic fluids, transformer oils and quench oils, comprising:

mixing the functional fluid of Claim 1 with the hydraulic fluid, transformer oil or quench oil.

Claim 21 (Currently Amended): ~~The use~~ method according to claim 20, ~~wherein the hydraulic fluid is an anhydrous fluid~~ comprising:

mixing the functional fluid with an anhydrous hydraulic fluid.

Claim 22 (Previously Presented): A method for the manufacture of the functional fluid according to claim 1, wherein a mixture of olefinically unsaturated monomers is polymerized in a fluid of an oxygen containing compound according to component B).

Claim 23 (Previously Presented): The functional fluid according to Claim 1, having a kinematic viscosity at 40°C according to ASTM D 445 of from 28 mm<sup>2</sup>/s to 110 mm<sup>2</sup>/s.

Claim 24 (Previously Presented): The functional fluid according to Claim 1, having a pour point according to ASTM D 97 of -40°C or less.

Claim 25 (Previously Presented): The functional fluid according to Claim 1, having a fire point according to ASTM D 92 of at least 300°C.

Claim 26 (Cancelled).

Claim 27 (Previously Presented): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises from 34 to 90 wt.% of methyl(meth)acrylate.

Claim 28 (Previously Presented): The functional fluid according to Claim 27, wherein the alkyl(meth)acrylate polymer consists of monomers a), b), and c).

Claim 29 (Currently Amended): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises copolymerized units of octadecenoic acid ester, lauryl methacrylate, and methyl methacrylate.

Claim 30 (Previously Presented): The functional fluid according to Claim 1, wherein the oxygen containing compound is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.

Claim 31 (Previously Presented): The functional fluid of Claim 1, wherein B) is present in an amount of 59.7 to 99% by weight based on the total weight of A) and B).

Claim 32 (Previously Presented): The functional fluid according to Claim 1, wherein B) is present in an amount of 70 to 99% by weight based on the total weight of A) and B).

Claim 33 (Previously Presented): The functional fluid according to Claim 1, wherein B) is present in an amount of 79.7 to 99% by weight based on the total weight of A) and B).

Claim 34 (Previously Presented): The functional fluid according to Claim 1, wherein B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B).

Claim 35 (Previously Presented): The functional fluid according to Claim 1, consisting of A) and B).

Claim 36 (Previously Presented): The functional fluid according to Claim 1, wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 rating.

Claim 37 (Previously Presented): The functional fluid according to Claim 1, wherein the functional fluid consists of A) and B), the alkyl(meth)acrylate polymer comprises from 34

to 90 wt.% of methyl(meth)acrylate, and B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B),

wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 rating, and wherein B) is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.

Claim 38 (Previously Presented): The functional fluid of Claim 1 which is fire resistant.

Claim 39 (New): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises polymerized units of methyl(meth)acrylate.

Claim 40 (New): The functional fluid according to Claim 39, wherein B) is a carboxylic acid ester.

Claim 41 (New): The functional fluid according to Claim 39, wherein B) is a polyether polyol.

Claim 42 (New): The functional fluid according to Claim 1, wherein B) is an organophosphorus compound.

DISCUSSION OF THE AMENDMENT

Claims 1-25 and 27-42 are active in the present application. Claims 39-42 are new claims. Support for the new claims is found in the original claims and in the Examples of the specification.

Claims 20 and 21 are amended to recite a method for improving the fire resistance of a functional fluid. Support for the amendment is found throughout the specification, e.g., in the Examples and in the original claims.

No new matter is added.